

## **DEMAND FOR CORRECTION**

May 11, 2026

**From:**

Ashley Kaplan  
New Brunswick, NJ

Via: FedEx Certified and Email

**To:**

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Board of Directors  
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**Re:** Demand for Correction of "Does An OPRA Request  
Constitute Harassment?"  
(Report 15-01, November 24, 2015)

To the Board of Directors of the New Jersey Foundation for Open Government:

My name is Ashley Kaplan. I am writing to demand that your organization correct Report 15-01, published November 24, 2015, titled “Does An OPRA Request Constitute Harassment?”, of which I am a primary subject and which contains both false and misleading statements about me. I am not writing to threaten litigation. I am writing because your organization claims to stand for transparency, sunlight, and open government — and this report, which concerns your board member Charlie Kratovil, his conduct toward me, and the court record that goes along with it, is none of those things. Below I outline exactly what is factually inaccurate and what is so problematic about your reporting. Given your stated commitment to transparency, you should immediately investigate these claims and the evidence that supports them.

This came to my attention this past week. I discovered that this report has been publicly available for over a decade, misrepresenting the facts of your board member’s case and my life to anyone who reads it. During that time I have been shouted at in public, had objects thrown at me from moving cars, and been physically threatened by people who tell me I deserve it because I am “making things up.” I had long assumed that the harassment directed at me was fueled by Charlie Kratovil’s many public statements — his repeated claims that I fabricated the entire record of domestic violence. Discovering your report clarified something I had not previously understood: his statements alone do not account for all of it. Your report is the only document available online with my name attached to this case. You placed my name in a public document (which had been hidden due to the protections of family court), framed me as a bad actor, and failed to meet even the most basic standards of reporting before doing so. The consequences of that failure have not been abstract. They have been directed at me personally, for over a decade.

I am asking you to correct the record. Here’s why:

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## **YOU FRAMED THE WRONG QUESTION**

Your report asks whether an OPRA request constitutes harassment. That was never the real question.

The real question is this: does a domestic violence victim forfeit the court protections granted to her if her abuser chooses to be a journalist — especially when the abuse, the documentation, and the victim's demands to be left alone all predate that journalism career entirely?

The documentation of my accusations of abuse and demands to be left alone predate his journalism career — a fact that was available to anyone who reviewed the prior court record, and that your organization chose not to include. He did not become a journalist and then find himself in conflict with a government official. His press credentials followed the accusations, and the documentation of them. They did not precede it.

By the time the October 30, 2015 hearing you attended took place, a permanent Civil Restraints Order — signed by Charlie Kratovil himself — had been in effect for over a year. You quoted the language of the civil restraints order in your own report. You then proceeded to ignore what it meant.

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## **YOU OMITTED A GUILTY FINDING PUBLISHED WELL BEFORE YOUR ARTICLE**

On November 13, 2015 — eleven days before you published this report — Judge Joseph Paone, the same judge who presided over the hearing you attended, found Charlie Kratovil guilty of violating the Civil Restraints Order protecting me on three separate occasions. He was ordered to pay me directly. He was ordered to pay the State of New Jersey. He was ordered to surrender his financial records after refusing to pay. In total, the court-ordered payments reached approximately \$5,000.

That finding does not appear anywhere in your report. Not a single word.

You were covering ongoing litigation. A guilty finding was entered well before you published. You either knew and chose not to include it, or you failed to do even the most basic follow-up on a case you formally reported on. You published a formal report about active litigation that ignores key evidence coming from primary sources — court sources with rules of evidence and due process. There is no version of this that reflects well on your organization.

There is one place in your report where you do reference the conduct underlying that guilty finding — and the way you reference it is itself part of the problem. On page 6, you describe my testimony that Mr. Kratovil "created a letter-writing campaign about her husband's character." You qualify that testimony with the parenthetical "without providing details of the letter," and move on. That single sentence — framed as vague, undetailed testimony from a plaintiff — is the entirety of your report's engagement with the letter-writing campaign of November 19, 2014.

But by the time you published, that campaign was not a vague allegation. It was the subject of a formal court finding. On November 13, 2015 — eleven days before your publication date — Judge Paone specifically adjudicated the November 19, 2014 letter-writing campaign to be one of three violations of my rights under the Civil Restraints Order. The court entered judgment against Mr. Kratovil in the amount of \$2,915 plus interest and costs. The court imposed an additional \$750 sanction payable to the State of New Jersey. When Mr. Kratovil refused to pay, the court ordered him to surrender his financial records.

There is a difference — a categorical difference, not an incidental one — between presenting an event as an undetailed allegation in contested testimony, and presenting it as what it actually was at the time you went to print: a court-adjudicated act of domestic violence under rules of evidence and due process. Your report did the first. The record required the second. The gap between those two categories is the gap between journalism and advocacy.

## **YOU DID NOT FOLLOW BASIC JOURNALISTIC STANDARDS, INCLUDING THOSE LISTED ON YOUR WEBSITE AS GUIDING PRINCIPLES OF JOURNALISTIC CONDUCT AND INTEGRITY**

Your report's own disclaimer states: "Neither of the parties to this proceeding nor their representatives reviewed or participated in any way in the preparation of this Report."

That raises an obvious question you never answered: if neither party participated, how did you learn about this hearing date?

You attended the hearing — a hearing involving a woman who had filed written documentation with police, years earlier, alleging physical abuse and demanding to be left alone, and whose allegations included years of stalking, photographing, and surveillance. You filed a formal written request to record it. You published a 12-page numbered report with conclusions, commentary, and a partial transcript. You made no effort to review — or chose not to include — the prior court record, the years of documented restraining orders, the permanent Civil Restraints Order that was already in effect when you walked into that courtroom, or the judicial finding — issued almost two weeks before your article was published — that Mr. Kratovil had been found guilty of violating those protections on three separate occasions. You published a formal report about a domestic violence case without including any of the domestic violence history. And you failed to note — or failed to discover, which is no less a failure — that my complaints about harassment and abuse predate Mr. Kratovil's career as a journalist entirely. He was not a journalist when it began, and not yet a journalist when there was already a written record of these accusations.

How could my seeking a restraining order possibly constitute an attempt to quash journalistic activity, when I was on record complaining about the abuse before he was a journalist at all? And yet through all of this, you never once contacted me — the plaintiff, the woman at the center of the case — to ask for my account, my evidence, or my perspective. Not a phone call. Not an email. Not a single attempt.

The moment you decided to editorialize against me — to call my testimony erroneous, to question my motives, to draw conclusions about my case — you assumed an obligation to contact me first. That is a basic standard that the Society of Professional Journalists Code of Ethics explicitly requires: journalists must diligently seek out the subjects of their coverage to allow them to respond to criticism or allegations. Your

organization was founded by SPJ-NJ. You co-administer journalism awards with SPJ-NJ. Several of your board members are current or former SPJ members. You did not meet the standard of the organization you were built on. There is no defense for it.

That is not journalism. That is not transparency.

## **YOUR ORGANIZATION HAS A CONFLICT OF INTEREST IT HAS NOT DISCLOSED**

According to your website, Charlie Kratovil currently serves as Secretary of the New Jersey Foundation for Open Government's Board of Directors. We understand he joined the board after this report was published. But the fact that your organization — which published a formal report defending him from domestic violence allegations, without following the stated journalistic standards your organization cites as its guiding principles, without reviewing the prior court record, and without disclosing a recent guilty finding — and has since elevated him to an officer position raises questions about NJFOG's relationship with him that your board owes the public an answer to.

If your organization genuinely believes in transparency and open government, it should have no difficulty answering this: what was your organization's relationship with the subject of this report at the time it was published? Who brought this case to your attention? And why, given all that has since become part of the public record, has this report never been corrected? Whatever review process your board undertakes, it must be conducted without the participation of Mr. Kratovil. His involvement in any such review would constitute precisely the kind of undisclosed conflict of interest that an organization committed to transparency should be most equipped to recognize — and most embarrassed to be caught perpetuating.

We would also note that this report is not simply sitting in your archives gathering dust. It appears today on your organization's Accomplishments and Activities page — listed proudly among your organizational achievements. Your organization is not just declining to correct the record. It is actively promoting this report as a success. That is not a passive oversight. That is a continuing, affirmative choice to stand behind a one-sided account of a domestic violence case that you published without contacting the victim, without reviewing the court record, and without disclosing a guilty finding issued before you went to print. That choice becomes harder to explain with each passing day — and considerably harder to explain now that the subject of the report holds an officer position on your board.

The enclosed court record documents a pattern of enlisting third parties — people who had never met me or my family — to write letters, file complaints, and publicly comment about us. Those people were given one version of events. They acted on incomplete and distorted information. They caused real harm without ever knowing the full picture. Your organization has done exactly the same thing. You never met me. You never contacted me. You never reviewed the record that would have told you who I am and what actually happened. And yet you wrote about me — formally, under your organization's name, with conclusions and commentary — and what you wrote was materially false. The gap between what you published and what the record shows is not a matter of interpretation. It is a matter of basic research you chose not to do. In that sense, you are not so different from the letter writers Charlie recruited — an act that was later found to be a violation of the restraints. The difference is that they were private citizens who didn't know better. Your board is composed of attorneys, journalists, and advocates who should.

We anticipate your response may be that Charlie Kratovil had no involvement in the preparation of this report and that his subsequent membership on your board is irrelevant. On the first point — perhaps. But your own disclaimer raises the question of who did bring this case to your attention, and that question remains unanswered. On the second point — his board membership is not irrelevant. It is directly relevant. Your organization published a report defending him. You continue to list that report as an accomplishment. He now holds an officer position at your organization. The report has never been corrected. These facts exist in sequence, and that sequence demands an explanation. An organization that claims to expose conflicts of interest in government should have no difficulty recognizing one in its own boardroom.

## WHAT WE ARE ASKING FOR

We are not asking for money. We are not filing a lawsuit. We are asking for what your organization claims to stand for: transparency and the open record.

### Specifically, we demand:

1. **A public correction of Report 15-01**, acknowledging that the report was published without seeking comment from the plaintiff, without disclosing the content of the permanent Civil Restraints Order, and without disclosing the November 13, 2015 guilty finding issued eleven days before publication — a finding in which a judge ordered Mr. Kratovil to pay his victim directly. Courts do not order that without reason. It is one thing for a reporter to OPRA someone. It is quite another to OPRA someone you are engaged in direct ongoing domestic violence with, as defined and adjudicated by a court. Maybe, if Kratovil had not been engaged actively in other court defined domestic violence towards me in that exact timeframe, I would not have felt that his filing an OPRA request was domestic violence too. That context belongs in your report, and whether by accident or on purpose, it is nowhere to be found.
2. **A public acknowledgment that the report failed to disclose** that the documented history of abuse and demands to be left alone predate Mr. Kratovil's journalism career entirely, and that this omission fundamentally changes the nature of the story they chose to tell, because it is physically impossible for me to use accusations of domestic violence to harm a journalism career that would not exist for years at the time I was accusing Mr. Kratovil, in writing, of hitting me.
3. **Immediate removal of Report 15-01 from NJFOG's Accomplishments and Activities page pending the corrections referenced above**; public disclosure of NJFOG's relationship with Charlie Kratovil at the time of publication, and how NJFOG became aware of the subject matter and date of the hearing; and full recusal of Mr. Kratovil from any board review of this matter, with public disclosure of the review process and findings. An organization that holds itself out as a public watchdog on conflicts of interest cannot continue to promote, as one of its accomplishments, a report defending one of its own officers — without ever disclosing the relationship between the organization and that officer at the time of publication, and without ever submitting that report to a review conducted independently of him. The public has a right to know what your organization knew, when it knew it, and what it intends to do about it now.



## **Our Position on the Matter**

The best antidote to everything in this letter is the same values you claim to stand for. Release the full record. You should publish the correction, even if it is limited to just appending this letter and its exhibits to the end of your article, though hopefully you'll take a bit more responsibility than that.

And to be clear, we are not asking for your permission to correct the record, or going to wait indefinitely for you to do so. We are giving you the opportunity to do so yourselves, consistent with your stated values, which in theory we 100% support. Transparency, honesty, integrity, and accountability are paramount to trust in a democratic society.

But, because of the seriousness of this matter and the major impact your omissions have continued to have on my personal day to day life, if you choose not to issue a correction, we will take it upon ourselves to ensure that the full record — including the documents enclosed and more — is made available to the public through whatever legal and lawful means are available to us, consistent with the objectively newsworthy standard that the Civil Restraints Order itself preserves.

This record is objectively newsworthy by every available measure. Your organization published a formal report about me first — by doing so, you made me a subject of public record and the facts of this case a matter of legitimate public interest; the incomplete picture your report created can only be corrected by the full picture being told. Other news organizations have reported on related aspects of this story. Charlie Kratovil is a public figure who has run for elected office in New Brunswick multiple times, appeared in national news coverage on [Fox news talking about a "Left-on-Left Conflict"](#) section they did about a violent altercation he had with CNN's April Ryan.

Perhaps most importantly, he has himself spoken publicly and repeatedly about my case — thereby inviting scrutiny and correction. His public role as a journalist covering local politics and elections, his repeated candidacies for elected office, his court adjudicated violations of the Civil Restraints Order, and the platform your incomplete reporting has provided him to publicly characterize me as fabricating the entire record — all combine to make the court record directly relevant to the public interest. He has publicly and repeatedly misrepresented the outcome of this case — and the correction of a public misrepresentation is itself newsworthy. And recently in 2023, multiple organizations banned him following public disclosure of this record, after which he

issued public denials and [tacitly promoted threats of violence towards me](#)<sup>i</sup> — a recent chapter of the same story, already reported on by others, inviting yet further public interest.

The guilty finding, the financial penalties, and the order to surrender financial records are all part of the public court record. Public records are, by definition, matters of public concern. The three violations occurred in a 29-day span — the pattern, not just the individual acts, is newsworthy. The letter writing campaign directed at the government is itself a public record. NJFOG is a public-facing organization that holds itself out as a journalism watchdog — its own conduct is subject to the same scrutiny it applies to others, and the failure to meet the SPJ standards your organization was built on for the benefit of one of your own leadership is objectively newsworthy and relevant to your continuing relationship with SPJ-NJ. The subject of this report now holds an officer position at your organization — the gap between that role and the court record is itself a matter of public concern. And I have been subjected to physical threats, harassment, and public intimidation for over a decade as a direct result of the incomplete record your report helped create. The consequences of that incompleteness are not abstract. They are newsworthy.

We would prefer that your organization lead on this. But we do not require it. If you do not issue the correction, or at the very least as the merest of fig leaves, provide a copy of this letter and its enclosures as an addendum to your published article, we will release this information publicly as a means of mitigating the harm your omissions and misreporting have caused me.

And should you fail to make the required disclosures and then your organization or individual board members try to stop or gag us from making this record of court adjudicated findings public, it will require you to take a position contrary to all those you have taken before and your mission statement: to promote transparency in government through open access to, and disclosure of previously hidden documents that provide context that is relevant to the public interest. You will be forced to say: “All matters of public interest should be open to access, except for this one woman who has accused our board member of hitting her. She should be barred from sharing this information, and if she doesn’t keep quiet, we’ll make her keep quiet.”

That would be an odd position for you to take.

## THE CHOICE BEFORE YOU

I do not want to believe that your organization deliberately abandoned its own journalistic standards in a way that has caused such real harm to a survivor of domestic violence. But the facts as they stand are difficult to explain. Either you ignored the evidence, or you never sought to obtain it. Given the credentials and experience of your board members — attorneys, journalists, longtime advocates — this level of incompleteness is difficult to attribute to accident alone, especially given your conflict of interest at hand.

Nevertheless, you have a choice. You can demonstrate that this was a failure of process rather than a failure of integrity — that you were unprofessional and incomplete, and that you merely failed to meet the basic standards of journalism but that you were not in fact, malicious. The path to demonstrating that is straightforward: correct the record, acknowledge what was missing, and live up to the values your organization was founded on.

Your failure has caused me real harm — threats to my physical safety, over a decade of harassment from people armed with your one-sided account supporting a then-affiliate and now active board member of your organization. All I am asking is that you do what you claim to stand for: promote transparency, seek the release of documents germane to the public interest, and hold the hidden mechanisms of power and conflict of interest accountable by promoting disclosure and completeness of the record.

That seems like a reasonable ask.

Respectfully,

A handwritten signature in black ink, reading "Ashley Kaplan". The signature is written in a cursive, flowing style.

**Ashley Kaplan**  
**New Brunswick, NJ**

## Citations and Supporting Enclosures:

1. March 2010 Facebook messages filed with police documenting physical abuse (*predating New Brunswick Today or Mayoral Campaigns*)
2. September 30, 2014 Civil Restraints Order signed by Charlie Kratovil (Docket FD-12-006046-15)
3. September 30, 2014 Order of Dismissal of TRO and Conversion to Civil Restraints Order
4. New Brunswick Police Department Supplemental Investigation Report (Officer Virginia Lopez, 05/27/14)
5. November 19, 2014 Letter Writing Campaign to Harm Mr. Kaplan — Later Adjudicated as “Violation of Ashley Kaplan’s Rights”
6. November 13, 2015 Judgment for Counsel Fees and Order for Discovery (guilty finding, three violations)
7. [NJFOG-Report-15-01-Does-An-OPRA-Constitute-Harassment-2015-11-24-FINAL](#)
8. [FOX](#) News Report

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|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Article title                                                                                   | Bodyguard for CNN's April Ryan attacks journalist covering her event   Fox News Video                 |
| URL                                                                                             | <a href="https://www.foxnews.com/video/6073111204001">https://www.foxnews.com/video/6073111204001</a> |
| Website title                                                                                   | Fox News                                                                                              |
| Date accessed                                                                                   | May 11, 2026                                                                                          |
| 9. Instagram post from 4/23/23, including violent threats. Accessed 5/11/26                     |                                                                                                       |
| <a href="https://www.instagram.com/p/CrZuwa2uWbS/">https://www.instagram.com/p/CrZuwa2uWbS/</a> |                                                                                                       |

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**Prepared by:**

**New Jersey Foundation for Open Government  
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**November 24, 2015**

## **OVERVIEW**

On Friday, October 30, 2015, in *Kaplan v. Kratovil*, the Court dismissed a domestic violence temporary restraining order that was based solely on the filing of an OPRA request about a public office. In general, under the Prevention of Domestic Violence Act (“DVA”) a domestic violence temporary restraining order (“TRO”) orders a defendant to not contact the victim in any manner. A violation of a TRO is a criminal offense, and a second violation of a domestic violence restraining order carries a mandatory thirty-day prison sentence.

The hearing was held before Judge Paone in the Family Part of Middlesex County Superior Court.

Mrs. Kaplan had previously sought and received the TRO because Mr. Kratovil had filed an OPRA request with the City of New Brunswick, where Mrs. Kaplan’s spouse is a member of the New Brunswick Rent Control Board. Mr. Kratovil’s OPRA request implicated Mrs. Kaplan’s spouse by requesting documents that could have named him or had been sent to or from him. The OPRA request did not single out Mr. Kaplan; rather, the OPRA request identified a group of New Brunswick officials, which included Mr. Kaplan.

The October 30, 2015 hearing was held to determine whether the TRO should be converted into a final restraining order (“FRO”).

TROs are temporary; a hearing regarding whether a TRO should be converted into an FRO is generally held within thirty days after the TRO has been entered. FROs are indefinite. A violation of an FRO carries the same criminal consequences as violation of a TRO.

New Jersey Foundation for Open Government (“NJFOG”) attended the October 30<sup>th</sup> hearing. This report is based on our observations at that hearing. NJFOG’s interest in the hearing was that Mrs. Kaplan accused Mr. Kratovil of using an Open Public Records Act (“OPRA”) request as a form of harassment and was seeking a final restraining order against him. Mr. Kratovil, editor of *New Brunswick Today*, has written articles critical of New Brunswick municipal government - including Mr. Kaplan - and the New Brunswick Police Department.

NJFOG was present and willing to video record the meeting to see if there was an actual case of harassment or if a restraining order was being used to prevent a citizen from legally filing an OPRA request.

Domestic violence is a serious matter, and this report and our analysis should not be construed as a minimization of the seriousness of the consequences of domestic violence. Indeed, NJFOG supported the passage of and assisted with the drafting of A1676, which prohibits a public agency from charging copying fees to crime victims when they are seeking copies of their own records and which exempts from OPRA copies of a crime victim’s request for their own records.

However, neither should the DVA be used to prevent or chill citizens from filing OPRA requests for information about public officials.

Mrs. Kaplan was represented by Edward A. Wojciechowski Esq. from the Law Offices of Edward Weinstein. Mr. Kratovil represented himself.

Neither of the parties to this proceeding nor their representatives reviewed or participated in any way in the preparation of this Report.

Regarding our summaries and quotes of the testimony, we have done our best to report accurately what was said. However, we are not court reporters and do not guarantee the accuracy of our summaries and quotes. For those who are interested, a recording of the proceedings can be purchased from the Court for \$10.

## **VIDEO RECORDING DECISION**

The hearing addressed two issues. First, the hearing addressed whether NJFOG could record the proceedings. The second issue was whether the TRO should be converted into an FRO or dismissed. This section discusses the Court's decision to not allow NJFOG to record the proceedings, even though they were granted permission in writing when they formally made such a request on October 15, 2015.

Judge Paone asked information of NJFOG Board member Saul Qersdyn, who was NJFOG's representative at the proceedings and who was going to record the proceedings, about the nature of the organization and the purpose of recording. Judge Paone asked if there was a website and about the group's interest in the case. Mr. Qersdyn stated that the organization was a 501(c)(3) and did have a website. He stated that it was NJFOG's understanding that OPRA was a basis of the restraining order and that a citizen's rights to government documents is an objective of NJFOG.

When asked if there were any objections, Mr. Wojciechowski, representing the plaintiff, stated he had 'many objections', first and foremost being guidelines that required qualified press credentials. The Judge asked what was the date of the guidelines he referred to and the attorney responded they were from October 2003. Judge Paone pulled out a copy of the most recent guidelines, dated February 2015 and noted that no such requirements are listed. The attorney then claimed that he was under the impression that domestic violence proceedings were exempt before hurriedly commenting, "This case hinges on media and what the defendant does with his website and so to subject my client ... to video recording further puts her in fear of domestic violence. This is another tool by the defendant to perpetrate harassment."

Judge Paone asked the plaintiff's attorney, "Your position is that this is going to increase the threat or potential harm?"

Mr. Wojciechowski stated that Mr. Kratovil has gotten up at public meetings and addressed Mrs. Kaplan's husband.

"You feel this is another form of harassment and as a victim of domestic violence she needs some sort of protection?", asked the Judge.

"This is another form of harassment," responded the attorney.

Judge Paone went on to ask what further reason was there to video record if the proceedings are audio taped and available through a public records request to the Judiciary. After about 25 minutes of discussion, the Court reversed the prior permission and declined to allow NJFOG to record the proceedings. Judge Paone stated, "There is an organization, and I ascribe no untoward motives to, who seeks to record these proceedings notwithstanding the fact these proceedings are, in fact, recorded digitally and the transcription could be made. The test here is whether allowing New Jersey FOG to record these proceedings would cause a substantial increase in the potential of harm to the lady



. . . Since the underlying basis of the harassment here is that the defendant sent an OPRA request, not only submitted an OPRA request but notified the media which the plaintiff perceives as some sort of harassment. To allow the New Jersey FOG now to record these proceeding independently of the court's recording, I find, would be indeed intimidating to her. I think that because of the nature of the proceedings, this is a domestic violence hearing, and the basis for the initiation for these proceedings is the fact that the plaintiff felt, in some measure, felt threatened of her rights and also that the peculiar nature that which caused her to initiate this complaint, I find that that is intimidating . . . The nature of this request, even though it may not be purposeful, would in some way continue to, at least in the mind of the plaintiff, be threatening. I'm not going to allow New Jersey FOG to record the proceedings."

### **RESTRAINING ORDER HEARING: PREDICATE ACT COMPONENT**

Judge Paone continued with the hearing and separated it into two components. The first was to determine if there was a predicate act of harassment and the second was if the harassment warranted a final restraining order. For Mrs. Kaplan to receive an FRO, she was required to prove both of these components “by a preponderance of the evidence.” In layman’s terms, that means that she had to present more credible evidence than Mr. Kratovil that her allegations were true (greater than fifty-fifty).

Under the DVA, a domestic violence plaintiff must prove both a predicate act and must show that a final FRO is necessary to protect the victim. The DVA contains a list of predicate acts; the most common predicate act used in domestic violence matters is harassment.

NJFOG’s interest in this proceeding is the OPRA request being deemed the predicate act. The Court had to determine whether the OPRA request could constitute “harassment.”

The following summarizes some of the sworn testimony that was presented.

There was testimony from Mrs. Kaplan that she and Mr. Kratovil were romantically involved from 2006 till 2009. Mrs. Kaplan stated that it was a very emotionally, psychologically, as well as physically tumultuous relationship. She stated that three TROs were filed against Mr. Kratovil, with the first one occurring four years after the end of their relationship, in October of 2013. A second one was filed in May of 2014 and the latest was in September of 2015. The first two did not result in FROs, although civil restraints had been entered by the Court on at least one prior occasion. (A civil restraint can be similar to an FRO, except that a violation of a civil restraint would be contempt of court, not a crime).

According to the first TRO, Mrs. Kaplan alleged that Mr. Kratovil had been putting pictures of her and her husband at public events online. Additionally she alleged that Mr. Kratovil had hacked into her “Fresh Grocer” account where he was an employee at the time.

The second TRO alleged that Mr. Kratovil had taken photos of Mrs. Kaplan and her husband riding bicycles when they were participating in New Brunswick’s Ciclovía Open Streets initiative for the municipality. She stated that Mr. Kratovil jumped in front of them and tauntingly took photographs, adding that she felt overwhelmed and scared.

On September 30, 2014, the second TRO was dismissed via a voluntary withdrawal from Mrs. Kaplan and both parties mutually entered into civil restraint orders.

Mr. Wojciechowski asked Mrs. Kaplan that, if to her knowledge, had Mr. Kratovil ever violated the terms of the order. She responded that he did in May of 2015. Before providing the violation, Mrs. Kaplan’s attorney asked her to read a paragraph of the order:

“Both parties agree and shall be barred and restrained from directly or indirectly following, stalking, threatening to harm or to threaten to negatively impact each other’s careers and/or employment or that of their family.”

Mrs. Kaplan continued that on multiple occasions, Mr. Kratovil had gone after her husband's career, adding that her husband was nominated to the Rent Control Board of New Brunswick. She testified, without providing details of the letter, that Mr. Kratovil created a letter-writing campaign about her husband's character and that he wrote in New Brunswick Today about it as well as NJ.com in the fall of 2014 and that he appeared at City Council in January 2015.

At this point, the Judge re-centered the proceedings, stating, "The issue here is that this defendant made an OPRA request . . . And the OPRA request is from the defendant and is directed to the city clerk of New Brunswick and is requesting all e-mail correspondences from 18 different individuals. Are these all individuals employees of the City of New Brunswick?"

Mrs. Kaplan responded that no, her husband, who is listed, does not work for the City of New Brunswick and that he is only a member of the Rent Control Board. The Judge clarified his question by asking if he was an official of some sort and that all listed were either officials or employees of the City of New Brunswick.

"Sure," was the response from Mr. Wojciechowski.

Judge Paone detailed that the OPRA request asked for email correspondences from all those listed where the defendant, Mr. Kratovil, was named in or referred to; additionally the Judge remarked that two individuals, Raymond Baldino and Brian Amaral, were copied on the email OPRA request.

"Is there anything improper about the OPRA request?", asked Judge Paone.

"Very much so," responded Mrs. Kaplan.

The Judge asked, "What's improper?"

Mrs. Kaplan commented that her husband does not have a municipal e-mail address.

The following is an exchange between Judge Paone and Mrs. Kaplan.

Judge Paone asked, "If this OPRA request came from someone else, would it be a problem?"

Mrs. Kaplan replied, "I don't think so. No."

"So why is there a problem?"

"I think it's a problem because Mr. Kratovil is using any chance he can to destroy me and my husband and attack us and harass us."

“How is it that you feel that this OPRA request is going to destroy you or your husband?”

“I think he is using it to write something about how... Charlie seems to think that there’s a big conspiracy happening in this city against . . . that somehow because of the fact we have had proper restraining orders that somehow we are co-conspiring with the city”

“Well, you don’t know what he thinks, do you?”

“I think based on the articles that he’s published before and the fact that he stood up at city council and said these sort of things.”

“Said what?”

“About my husband. About us.”

“What has he said about you?”

“He has said that I make a mockery of victims of domestic violence.”

“He said this at where?”

“He said this in NJ.com as well as in his letters to the city council as well as in person.”

“But he was commenting on a litigation that was ongoing.”

“That he was not supposed to comment on because he had civil restraints.”

After the back-and-forth, Judge Paone questioned whether the supposed predicate act was harassment or something else.

Mr. Wojciechowski responded, “Basically we feel, to sum it up, this OPRA request, not in and of itself . . . would be harassment. The problem with this one is he consciously chose to include my client’s husband in it. He could have left him out. There were 17 other individuals. I don’t know exactly he thinks he’s getting from my client . . . He’s the only one from the Rent Control Board listed . . . He handpicks my client’s husband out knowing that it’s a problem.”

“Your contention is [that] this OPRA request was made [and] included the plaintiff’s husband,” stated Judge Paone, “Not necessarily anything improper there but then he carbon copies a member of the press which in the plaintiff’s mind suggests that he is trying, in some way, to embarrass her husband in the media which causes harassment to her?”

“Correct,” was the reply. The attorney continued by claiming that there were civil restraints which barred Mr. Kratovil from making comments to the media and that he commented on prior litigation that he was restrained from doing. The intimidation, according to Mr.

Wojciechowski, was in the act of Mr. Kratovil filing an OPRA request and purposely copying Mr. Amaral, a reporter for NJ.com, for no relevant purpose knowing that the clerk was going to tell the plaintiff's husband. At one point, the attorney stated, "I'm saying that the OPRA request in and of itself was harassment."

Mrs. Kaplan added in her testimony as to the reason for the OPRA request, "I think it was to attack me, to continue to harass me, continue to make his presence known with me, to make me scared and threaten. You know, that he has power here and he's going to do everything in his path to destroy me and my husband as well . . . attacking my husband and his career."

The Judge then asked Mrs. Kaplan if Mr. Kratovil ever made any statements about the prior domestic violence act after both parties entered into mutual civil restraints. She answered yes, stating, "He said that I made a mockery of victims of domestic violence."

In addition, Mrs. Kaplan stated that Mr. Kratovil painted a distorted picture of events, even mentioning that previous restraining orders had been dismissed.

Judge Paone then read aloud from the section of the civil restraint order, "Both parties agree and shall be barred and restrained from publicly blogging or posting . . . representing any of the parties or their families on any internet website or in the media unless it is objectively newsworthy."

When asked how she felt when she saw her husband's name included in the OPRA request, Mrs. Kaplan said, "I just thought, here we go again. My heart sank. This person is going to just not stop."

She was then asked by Judge Paone how she felt when she noticed Mr. Amaral being copied on the request. She responded, "I felt that he is probably planning on writing another article about me and I got very scared that this person is out to destroy my and my husband's careers and reputation."

Mr. Wojciechowski attempted to proceed with other testimony but Judge Paone cut to the chase by stating, "We don't get to the restraining order unless I'm satisfied there's been a predicate act."

Mr. Kratovil was asked by Judge Paone why he submitted the OPRA request and why Mr. Amaral was copied on it.

Mr. Kratovil stated that he has filed numerous OPRA requests and that he filed this particular request on the advice of a friend in order to find out what, if anything, was being discussed about Mr. Kratovil.

Mr. Wojciechowski proceeded to question Mr. Kratovil, "You said those TROs were dismissed, but that's not correct. They were voluntarily withdrawn because of the civil restraints."

In continuing, he asked if the focus of the OPRA request was to sue the Kaplans or the municipality. When Mr. Kratovil asked if he was not allowed to sue, Mr. Wojciechowski contradicted himself by asking, "My question is, the Temporary Restraining Order October of 2013, that was voluntarily dismissed by Mrs. Kaplan, correct?"

### **RESTRAINING ORDER HEARING: RULING**

After asking if there was anything else he should know about the case, the Court issued its ruling. The Court stated that the defendant filed an OPRA request and in that OPRA request he identified 18 people where he sought e-mail correspondences with those people. According to the plaintiff, she perceived that to be harassment. Judge Paone stated that he found Mr. Kratovil's explanation for the OPRA request credible and sincere.

The Judge laid out three questions that he needed to ask to determine the predicate act.

First, he asked if there was a legitimate reason for the communication and the Judge believed that there appeared to be a legitimate reason.

Secondly, was the communication substantively harassing as to content? The Judge ruled it was not.

The third question dealt with whether it was directed to the plaintiff. Judge Paone stated that it was not, it was directed to the city clerk.

He summed up the questions by ruling, "Merely because the plaintiff feels that she is harassed by virtue of the filing of this complaint is not enough for a final restraining order. The evidence must reflect that this defendant had the purpose to harass, annoy, and bother. And the focus that the court must engage in analyzing harassing speech is not necessarily upon the effect the speech had upon the victim but rather on the purpose the actor had in making the communication and here it appears that the purpose in sending the OPRA request was not to necessarily harass the plaintiff but was to gather information and to share this tactic with a colleague in the same way that the defendant has done in the past. So the court does not find that this conduct constitutes harassment and because the plaintiff failed to prove a predicate act, the complaint is dismissed and the restraining order is vacated."

The Judge did state that another order can be filed if a predicate act is determined but that this restraining order was no longer in place.

## CONCLUSION

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The hearing was a combination of disappointment and success.

On the one hand, NJFOG feels that video-recording was important to show the transparency in court. Since the hearing is a public matter, having a video recording to show exactly what was stated - independent of the Court's official recording - would remove any faulty recall or interpretative memory. The video recording would have shown what happened and what was stated. If the TRO had been successful, the video would have shown that. It would also have recorded all parties and not simply one side of the matter thereby giving the complete story independent of government. As was the case with the refusal to video record after being granted permission, what's to say that the Court's audio recording would not have been refused? We fully respect the right of anyone asking the Court for protection for a clear cut case of domestic violence but, on the surface and as justified by the ruling, this TRO never even passed the first stage of establishing a predicate act. It should be noted that the sole predicate act was the OPRA request itself.

On the other hand, we are glad that Judge Paone listened to the testimony and ruled that under the circumstances of this case the OPRA request did not constitute harassment. The plaintiff's argument that requesting public information that *might* be used for a news article to objectively report on an issue fails in that a citizen's right to information does not require that a requestor provide an explanation as to the intent. The document, if allowable under the Open Public Records Act, is, in effect, already the property of the citizenry and the only thing required is that someone request access to it.

The argument appeared to be that because of a previous relationship with someone, any relative in government who is the custodian or responsible party of that document is permitted to refuse access to public property under the guise of harassment. The question that was never addressed is "How could the OPRA request be a violation since no article was written yet?"

There was also testimony that was downright erroneous, such as when Mrs. Kaplan stated that Mr. Kratovil stated that she made "a mockery of victims of domestic violence". The article actually quoted Mr. Kratovil as saying, without naming anyone, "False complaints do an extraordinary disservice to genuine survivors of domestic violence."

Unfortunately, under the Court's reasoning, the Court left the door open for future victims to claim that OPRA requests about them or their families constitute harassment. By focusing on the intent of the request, the Court left open the possibility that an OPRA request could be the basis for a TRO or FRO, if the Court were to determine that the purpose of the request was to harass the victim.

The prospect of facing a domestic violence TRO or FRO in response to an OPRA request will chill any records requestor who might have had a dating relationship with someone in government. For example, if a person's ex-spouse works for the Department of Law, does an OPRA request by one spouse about the other's compensation constitute harassment?



Under the Court's reasoning in this case, it might, depending on the requestor's state of mind.

It is our view that the use of the DVA in response to OPRA requests will almost certainly chill requests because most requestors will want to avoid even the possibility of incurring the expense, risks, and inconvenience associated with domestic violence proceedings.

Such costs and risks might encourage requestors to use third parties to make requests, make requests anonymously or not make them at all. To the extent this occurs, transparency is harmed.

There was also a piece of testimony that was overlooked but does give some speculation as to the reason for the TRO. It was when Mrs. Kaplan stated that the OPRA request, in violation of the civil restraints, had gone after her husband's career, and thereby her livelihood. This is a questionable charge when the OPRA request asked about e-mails from Mr. Kaplan in his capacity as a member of the New Brunswick Rent Control Board - a non-paying appointed position. By her own testimony, Mrs. Kaplan stated that her husband was not an employee. If such is the case, what 'career' was being threatened, unless the position itself was a stepping stone to becoming part of the municipal government somewhere down along the line?

In closing, we are satisfied that such action by members of government and/or their relatives, in this case, was struck down. We remain observant that what amounts to the equivalent of a government SLAPP (Strategic Lawsuit Against Public Participation) action - to deny citizens their rightful access to documents - will not be employed in any wider scope.

Domestic violence is a serious issue. The access to public documents is also a serious issue. As is the case where access to records does not infringe on victim's rights, neither should the protection rightfully afforded to victims of domestic violence be used to prevent the public access to what rightfully belongs to them.

I hardly think it's necessary to set up an in-person meeting to discuss what your problem is with me, but I am willing to do so if you think it is. We can also just do this electronically. Let me start by asking: Have I ever done anything to disrespect you or in any way bother you? I certainly do not think that is the case. In fact, I don't recall being anything but pleasant to you since we met. Moreover, we hardly ever see each other or communicate at all. This is why your comment today about my "subsequent ridiculousness" (or something to that effect) struck me as peculiar. I do not keep in touch with you or Ashley so I honestly do not know to what you could be referring. Your outburst in the student center today was uncalled for and I am curious what your justification for it was. Have I done something that warranted such an outburst recently? If not recently, then in the past? Thank you in advance for your response, and, if you would prefer to meet in person, I am free after 8pm Thursday. Charlie



03/04/2010 12:59PM

Brendan

Charlie, I have no interest in sitting down with you. I encouraged you to get in contact with me via email, because you continued to try to engage me in a discussion about my comment to you. Being busy at the time, I dispatched you by directing you to email me. I would like to take the opportunity, however, to clarify a few points you seem to be confused about. 1) Your usage of the term 'outburst' to describe my communicate is somewhat of a misnomer. Ourburst implies that there is some sort of barrier present in people, that at times due to emotional pressure, ruptures and allows communication other than what should or would normally take place to burst out of that person. Read on... You must understand that the times you physically abused Ashley left a real mark on her, no pun intended. She was incredibly traumatized by the times you put your hands on her, so much so, that she was scared to even show her anger or retaliate in anyway. I have worked with her extensively over the past 10 months to help her come heal from her experience with you. She is now strong, confident, and able to express her feelings without fear. She was so proud of the fact that she gave you the finger in the student center, that she texted me about it right after it happened. Up until now, I have maintained a cordial veneer in my interaction with you out of respect for Ashley. She was scared of you, and didn't want to come into any conflict. Her transition to overt anger and willingness to experience that anger represented a fundamental change of stance for her. As such, my telling you "Fuck you" was a rational act of support and solidarity with her in the way she wanted to deal with you. QED, outburst is a poor term to use when discussing the incident to which you refer. Better might be, communication, statement, or confrontation. 2) You have been disrespectful to me and to Ashley after she moved on. One incident which took place downtown comes to mind. I was driving Ashley's car and she was talking to me, crying rather, about how you used to physically abuse her. At that moment you stepped into the crosswalk which prompted her to start screaming, "Let me out of the car, I'm going to fucking kill him." I put my arm across her to calm her down at which point you stopped in the middle of the road, looked up, made eye contact with us both, laughed and then ran away. There are other things as well that I have heard about through other people. You know what those things, and who those

people are. Again, I let these things slide out of respect for the pace of Ashley's growth. 3) The numerous attempts you have made to get in contact with Ashley through various organizations you are affiliated with are ridiculous. Ashley removed herself from all the EON, Hear New Brunswick, etc, mailing lists the week she decided not to participate with you anymore. Despite this, she continued to get invitations to events and other messages on significant dates. The fact that this happened after your relationship labels said ridiculousness as subsequent. 4) Just to prevent any confusion on your part I wanted to again clarify why I am writing to you. You seemed quite anxious for me to respond to you, and I have respect for the humanity present in everybody, including you. In fact, I want to open a therapeutic boarding school to help troubled you by helping them to look honestly at themselves. From what I hear around town about you from many people, I believe that you could benefit enormously from something like that. Hopefully you will take a good look at what I am saying to you. In fact, that would make me incredibly happy. Although I am opposed to the way you have acted in the past, I am not fundamentally opposed to you as a person. That being said, if you ever harass Ashley again, it will have serious consequences for any political aspirations you may retain. This includes pacing outside ABP or any other establishment she is in, staring at her after she has made it clear through body language that you are making her uncomfortable, or any other behavior that would cause her fear, inconvenience, or discomfort. I hope that this is the last time I have to communicate with you like this for something. Hopefully you can come to some realizations and move on from the very unhealthy relationship you two had, and the obsession you obviously still have. - Brendan Kaplan

03/06/2010 12:53PM

Brendan

Oh BTW, I realized that the line that says, "Open a ..... for troubled you" should have read "Open a..... for troubled YOUTH" Hope the context filled that in for ya...





**New Brunswick Police Department**  
25 Kirkpatrick Street, New Brunswick, NJ 08901  
Phone: 732-745-5200 Fax: 732-565-3602 Mun. Code: 1214  
**Supplemental Investigation Report**



Narrative Continued (Page 2)

Case Number

**14-26103A**

On Tuesday, May 27, 2014, I met with Ashley Petersen and her husband Brendan Kaplan at police headquarters for a request of a Temporary Restraining Order.

On May 4, 2015, an incident report was filed against Petersen's ex-boyfriend (Charles Kratovil) for harassment (Case# 2014-26103). According to Petersen there has not been any additional incidences involving Kratovil since then. She did not wish to seek a Temporary Restraining Order on May 4, 2014 until she had an opportunity to speak with her attorney.

I spoke with Petersen who explained to me she broke up with Kratovil approximately six years ago and since then he continues to harass her. There is past history of both physical and verbal abuse. On October 23, 1013 a restraining order was granted to Petersen (Docket #FV 000753 14) and later dismissed in court, with the understanding that Kratovil keep away from Peterson.

I advised Peterson of her domestic violence rights. She did not wish to speak with a domestic violence response team member at this time. A Temporary Restraining Order was granted telephonically by Judge Borow on 05/27/2014 at tapproximatley 21:50hrs.

**Officer of Record:**

**Date:**

PO Virginia Lopez 7278

05/27/14

Ashley Petersen

Plaintiff

Charles Kratovil

V.

Defendant

JOINT  
EXHIBIT  
JL 9/30/14

1 of 5

SUPERIOR COURT OF NEW JERSEY  
Family Division, Middlesex Vicinage  
DOCKET NO. FD-12-066046-15

CIVIL ACTION  
ORDER

FILED  
SEP 30 2014  
Joseph Paone, J.S.C.

THIS MATTER having been opened to the Court and both parties having presented proofs and argument in open Court, and the Court having duly considered the complaint, proofs and argument and good cause having been show:

IT IS on September 30, 2014 ORDERED as follows:

1) Although no complaint or restraining order has ever been filed by Charles Kratovil against Ashley Petersen; both parties agree and shall be barred and restrained from engaging in any communications or contact or attempted contact directly or indirectly with <sup>the</sup> other party or their families for any reason or by any means, including but not limited to: in person, oral, written, electron or by letter, telephone, text, email, social media, or any other means of communication.

"If this order contains any provision concerning custody and/or parenting time, both parties are advised: Failure to comply with the custody provisions of this court order may subject you to criminal penalties under N.J.S.A. 2C:13-4, Interference with Custody. Such criminal penalties include, but are not limited to, imprisonment, probation and or/fines.

Si usted déjà de cumplir con las clausulas de custodia de esta orden del tribunal, puede estar sujeto (sujeta) a castigos criminales conforme a N.J.S.A. 2C:13-4, Interference with Custody, (Obstruccion de la Custodia). Dichos castigos criminales incluyen pero no se limitan a encarcelamiento, libertad, multas o una combinacion de los tres."

  
JUDGE SUPERIOR COURT



Ashley Peterson  
Plaintiff

SUPERIOR COURT OF NEW JERSEY  
Family Division, Middlesex Vicinage  
DOCKET NO. FP-12003046-15

V.  
Charles Kratochvil  
Defendant

CIVIL ACTION  
ORDER

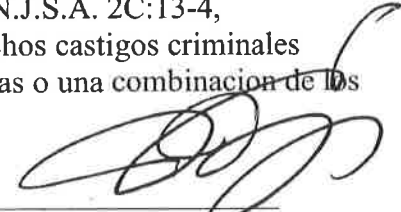
THIS MATTER having been opened to the Court and both parties having presented proofs and argument in open Court, and the Court having duly considered the complaint, proofs and argument and good cause having been show:

IT IS on September 30, 20 14 ORDERED as follows:

- 2) Communication for purposes of this agreement shall also mean the sending of notes, gifts, magazines, flowers, with or without verbal communication and any other non-verbal signals of communication. Inadvertently looking in the general direction of the other party is not to be perceived as communication for purposes of this Agreement.
- 3) If the parties are in each other's presence in any ~~location~~ location, they shall remain separate and apart to the best of their abilities at all times. The parties agree to act reasonably with respect to this provision.

"If this order contains any provision concerning custody and/or parenting time, both parties are advised: Failure to comply with the custody provisions of this court order may subject you to criminal penalties under N.J.S.A. 2C:13-4, Interference with Custody. Such criminal penalties include, but are not limited to, imprisonment, probation and or/fines.

Si usted déjà de cumplir con las clausulas de custodia de esta orden del tribunal, puede estar sujeto (sujeta) a castigos criminales conforme a N.J.S.A. 2C:13-4, Interference with Custody, (Obstruccion de la Custodia). Dichos castigos criminales incluyen pero no se limitan a encarcelamiento, libertad, multas o una combinacion de los tres."

  
JUDGE SUPERIOR COURT

Ashley Peterson

Plaintiff

SUPERIOR COURT OF NEW JERSEY

Family Division, Middlesex Vicinage

DOCKET NO. FD-12-066046-15

V.

(Charles Kratochvil  
DefendantCIVIL ACTION  
ORDER

THIS MATTER having been opened to the Court and both parties having presented proofs and argument in open Court, and the Court having duly considered the complaint, proofs and argument and good cause having been shown:

IT IS on September 30, 20 14 ORDERED as follows:

- 4) Both parties agree and shall be barred and restrained from directly or indirectly following, stalking, threatening to harm, or threatening to negatively impact each other's careers and/or employment or that of their family.
- 5) Both parties agree and shall be barred and restrained from any acts of domestic violence against the other and is barred from any residences of the other and/or their family, or any other current or future residences.
- 6) Ashley Peterson agrees to dismiss the pending domestic violence complaint against Charles Kratochvil in the Middlesex County Family Court under Docket # FV-12-199-14.

"If this order contains any provision concerning custody and/or parenting time, both parties are advised: Failure to comply with the custody provisions of this court order may subject you to criminal penalties under N.J.S.A. 2C:13-4, Interference with Custody. Such criminal penalties include, but are not limited to, imprisonment, probation and or/fines.

Si usted déjà de cumplir con las clausulas de custodia de esta orden del tribunal, puede estar sujeto (sujeta) a castigos criminales conforme a N.J.S.A. 2C:13-4, Interference with Custody, (Obstruccion de la Custodia). Dichos castigos criminales incluyen pero no se limitan a encarcelamiento, libertad, multas o una combinacion de los tres."

  
JUDGE SUPERIOR COURT

7) Both parties agree and shall be barred and restrained from publicly blogging or posting any data or photographs of and/or concerning the other party and/or their families on any internet website or any other media unless it's objectively newsworthy ~~and~~

8) The parties agree that they will not publicly discuss this case, except in their own defense, or to say "the matter was resolved mutually and the complaint dismissed." This case references FV-12-753-14 and FD-12-046-15 JR

9) Should either party breach any provision of this agreement, that party shall be subject to an action of damages by the other party. Further, should a judge determine either party has breached any provision of this agreement, the other party shall also be entitled to an award of attorney's fees in connection with the enforcement of same.

11) Nothing herein shall preclude any application for equitable relief and nothing herein shall be construed



to limit any request for counsel fees or damages

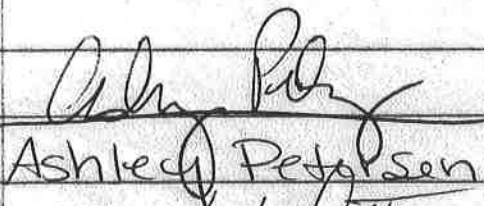
- 12) Both parties agree that any action to enforce this agreement may be instituted in the State of New Jersey, which the parties agree has jurisdiction over the parties and the subject matter.
- 13) Both parties shall have the election option to seek appropriate injunctive relief in a court of competent jurisdiction.
- 14) Both parties hereby agree that the laws of the State of New Jersey shall apply to this Order.



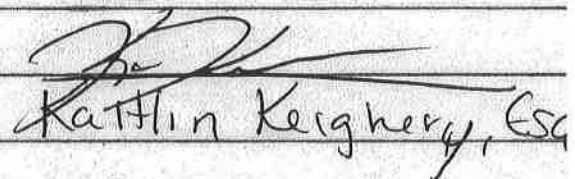
JOSEPH PAONE, J.S.C.

JSC

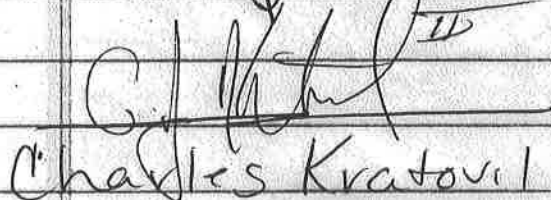
We hereby consent to the form, entry, and substance of the within Order.



Ashley Peterson



Kaitlin Kerghery, Esq.



Charles Kratochvil



David R. Meiswinkle  
David Meiswinkle

FILED  
SEP 30 2014  
Joseph Paone, J.S.C.

ASHLEY H PETERSON  
Plaintiff,

Vs.

CHARLES J KRATOVIL  
Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, FAMILY PART  
MIDDLESEX COUNTY  
DOCKET NUMBER: FV-12-001991-14

**Order of Dismissal**  
**Temporary Restraining Order**

THE COURT having considered the testimony and/or certification at this hearing and the Court having determined that:

1. The Plaintiff having requested dismissal of the matter; and
  - ☒ Having read "What Dissolving a Restraining Order Means"
  - ☒ Having read and signed "Certification for Dissolution of Restraining Order"
  - ☒ Having not been coerced or placed under duress to withdraw the complaint and dissolve the Order;
  - ☒ Having been advised of the cycle of domestic violence, and of the protective resources available through the Court and the local domestic violence program(s), especially with regard to housing and Court-ordered emergency custody and support;
  - ☒ Understanding that withdrawal of the complaint and dismissal of the Restraining Order will eliminate the protection that had been issued under this Order;
  - ☒ Being aware that such withdrawals are not prejudicial and if (s)he may need protection in the future, (s)he may apply for a new restraining order;
  - ☒ Being aware that any criminal charges filed by Plaintiff or the police must be dismissed in municipal court; OR
2. The Plaintiff failing to appear for Final Hearing; and
  - ☐ The Court having been unable to contact the plaintiff via telephone numbers/address given; OR
  - ☐ The Court having determined that plaintiff was contacted and that coercion or duress did not cause the plaintiff's non-appearance; OR
3. ☐ The Court having determined that the plaintiff's allegation of domestic violence has not been substantiated.
4. ☐ The Municipal Court having denied the TRO application.
5. ☐ The Court having determined on appeal of the Temporary Restraining Order that the required burden of proof has not been met.

IT IS HEREBY ORDERED on this 30th day of September, 2014, that the Domestic Violence Complaint, dated 05/29/2014 is **DISMISSED** and the ☒ **TEMPORARY RESTRAINING ORDER** OR ☐ **FINAL RESTRAINING ORDER** dated 06/03/2014 is/are vacated, and

**IT IS FURTHER ORDERED THAT:**

- ☐ The complaint is dismissed and present support order under this docket is terminated and any arrears are vacated. Probation to terminate their interest and close case.
- ☐ The complaint is dismissed. Continue present support order and/or arrears to be:
  - ☐ transferred to docket \_\_\_\_\_ and ☐ paid through Probation IV-D
  - or ☐ paid directly to Plaintiff (obligee).
- ☒ Other:

CIVIL RESTRAINTS UNDER FD-12-46-15.

s/JOSEPH PAONE  
Honorable

**Return of Service**

- ☒ Defendant was given a copy of the Order by:

J HARRIS SO#91  
print name

02:16 PM 09/30/2014  
time and date

MIDDLESEX  
signature / badge number / dept

- ☒ Plaintiff was given a copy of the Order by:

J HARRIS SO#91  
print name

02:15 PM 09/30/2014  
time and date

MIDDLESEX  
signature / badge number / dept

# ATTN Mayor Cahill: Appointment of Brendan Kaplan to any position would be a mistake

From: Charlie Kratovil <ckratovil@gmail.com>

To: officeofthemayor@cityofnewbrunswick.org, jsmith@cityofnewbrunswick.org

Cc: Jennifer Bradshaw <jbradshaw@cityofnewbrunswick.org>, Glenn Patterson <gpatterson@cityofnewbrunswick.org>

Date: 11/19/2014 2:03 PM

---

Hello Mr. Mayor,

I write you today urging you to withdraw your nomination of Brendan Kaplan to the city's Rent Leveling Board. Mr. Kaplan is an unstable individual who is unfit for public office. I witnessed him spit in my general direction without provocation on October 5, 2013 inside Kelly's Komer bar. Previously, I had witnessed him lie to my boss in an unsuccessful attempt to get me fired from my job at the FreshGrocer.

Mr. Kaplan was also involved in the filing of numerous false police reports that resulted in my arrest this summer. He has also gone to great lengths to harm his own brother in a similar fashion. I have ample evidence and numerous witnesses prepared to support these claims.

I have no ill will toward him, but I do not want to see him appointed to any position of power, for the good of the City.

I have inquired with your office in an attempt to obtain a resume for Mr. Kaplan, but have not been provided with one. Mr. Kaplan's LinkedIn page lists the DeSisto School among his educational credentials. That institution was recognized as a cult by the Cult Awareness Network (CAN). The DeSisto School was shut down by the Massachusetts state government in 2004, around the same time Mr. Kaplan was there (disturbing court filings: <http://media2.abc15.com/html/pdf/machildcare.pdf>). Mr. Kaplan has told me that he hopes to one day open a similar "therapeutic boarding school."

For more information on the DeSisto School, please see ABC 15's extensive coverage: <http://www.abc15.com/news/local-news/investigations/concern-for-students-at-babeus-former-school>

Attached is a police report, NBPd case #14-51276, indicating that Mr. Kaplan's wife abused a temporary restraining order and harassed me on August 29, potentially by coordinating with another DeSisto follower to arrange for her and Mr. Kaplan's arrival at my location in an effort to force me to leave the business I was patronizing. Mr. Kaplan was present for that incident, and for the filing of several false reports with New Brunswick police, including on May 4 and July 8 of this year. Mr. Kaplan was also present for a similar incident (NBPd case #14-40366) where he and his wife came to my location, and filed a false report, which resulted in my false arrest that same night. As you may have read on NJ.com, the county prosecutor's office dropped the charge after being presented with video evidence that showed Mr. Kaplan and his wife had fabricated the allegations against me. Every single complaint initiated by Mr. Kaplan's wife has been dismissed at her own request or thrown out by a judge.

This type of behavior is childish and damages the very important cause of domestic violence survivors, who depend on these laws to protect them. Mr. Kaplan and his wife inappropriately abused the laws in an attempt to harm and inconvenience me, a person who does not want anything to do with them. This is not the type of person that ought to be representing the city's tens of thousands of tenants.

12/17/2014

I have sympathy for Mr. Kaplan, despite his efforts to harm me and my livelihood. But he is certainly unfit for service on the Rent Leveling Board or any other appointed position. With all due respect, I request that you pull this item from tonight's City Council agenda.

Best regards,

Charles Kratovil

**Attachments:**

- 20141119\_120547.pdf

# Please Reconsider Brendan Kaplan Appointment

From: Sean Monahan <smonahan321@gmail.com>

To: officeofthemayor@cityofnewbrunswick.org, jsmith@cityofnewbrunswick.org

Cc: Jennifer Bradshaw <jbradshaw@cityofnewbrunswick.org>, Glenn Patterson <gpatterson@cityofnewbrunswick.org>

Date: 11/19/2014 2:25 PM

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Mayor James Cahill,

Its no secret that we have had our differences and much work needs to be done to heal the wounds of the past. However, I am encouraged when I recall the times where I felt we were less entrenched and more open to collaboration. I am thinking in particular about the Summer of 2011, when yourself and other reasonable people in your administration recognized the sheer ridiculousness of Kevin Egan's plan to stop picking up the garbage in June. For a moment, we were on the same side on something and I thought it was a very good thing.

I was greatly encouraged by your agreement to be interviewed, at regular intervals, by Charlie Kratovil. I took this as a signal of interest in exploring a less acrimonious relationship between us. And with New Brunswick Today's growing connections in the business community, there are many ways that our two organizations can work together to make New Brunswick a better place for all. I would like to explore such collaboration in areas such as working with City Market to promote small business, helping you get out announcements to the public, co-sponsoring a public forum, or running an op-ed from yourself or others.

Unfortunately, it has come to my attention that you are planning to appoint Brendan Kaplan to the Rent Control Board. Whether it was intended as such or not we must perceive this appointment as a slap in the face. Mr. Kaplan, has participated in the false accusations of his wife Ashley Peterson against Charlie Kratovil. There are numerous examples of erratic and spiteful behavior on his part and he is not fit for this or any appointment in the city.

This action is moving our strained relationship in the wrong direction. It will also be perceived by the community at large as a reward for his participation in an overt attempt to silence a muckraking journalist. Taken with previous efforts to unlawfully remove candidates(including myself) from the ballot, physically assault opposition campaign workers without consequence and possess more than 10 absentee ballots, it adds currency the argument that your administration has contempt for the people, the press and institutions of democracy itself.

Let's not go there. We both have better things to do than fight over the past. Let's try to continue to engage with one another and build a foundation of trust whereby we can work productively for the benefit of the broader New Brunswick community.

I understand that one of the challenges of your job is to find qualified candidates for the city's boards. If it would help, I will do what I can assist you in finding a candidate that you would deem appropriate.

Thank you for your consideration,

Sean Monahan

# Objection to Brendan Kaplan's Appointment

From: Nick West <njwest9@gmail.com>

To: officeofthemayor@cityofnewbrunswick.org, Glenn Patterson <gpatterson@cityofnewbrunswick.org>

Cc: Jennifer Bradshaw <jbradshaw@cityofnewbrunswick.org>

Date: 11/19/2014 2:40 PM

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Mayor Cahill and Mr. Patterson,

As a seven-year tenant of the City of New Brunswick, I am concerned by the nomination of Brendan Kaplan to the Rent Leveling Board.

His consistent public misbehavior and abuse of public services in harassment of city residents should be enough to disqualify him. If you dug into his past interactions with police, you may even discover an instance of him violating an individual's tenants' rights.

His public conduct may become an embarrassment to the city. I must advise against his appointment.

Thank you for your service.

All best,

Nicholas J. West

# Appointee Objection

From: Erik Straub <earendiles@gmail.com>

To: [officeofthemayor@cityofnewbrunswick.org](mailto:officeofthemayor@cityofnewbrunswick.org), [jsmith@cityofnewbrunswick.org](mailto:jsmith@cityofnewbrunswick.org), [jbradshaw@cityofnewbrunswick.org](mailto:jbradshaw@cityofnewbrunswick.org),  
[gpatterson@cityofnewbrunswick.org](mailto:gpatterson@cityofnewbrunswick.org)

Date: 11/19/2014 3:53 PM

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To Whom It May Concern,

I have recently become aware of an item on tonight's city council agenda regarding the appointment of Brendan Kaplan to New Brunswick's Rent Control Board. I am currently out of state on business and will not be able to attend this evening's meeting to object to this appointment, but I must strongly object to this appointment.

Mr. Kaplan does not have regard for tenants rights. In 2008 he forcibly removed a fellow tenants belongings from their shared place of residence and demanded that they leave. Mr. Kaplan only allowed the tenant to return after they called the police and he was instructed to do so under threat of arrest.

Mr. Kaplan has also voiced the belief that homelessness is an effective treatment for drug users, believing that it's important for people to "Hit rock bottom" in order to address substance use.

This kind of reckless behavior and dangerous views have no place on the New Brunswick Rent Control Board.

—  
Best,  
Erik Straub  
908 698 3130  
113 Louis St,

**LAW OFFICES OF EDWARD R. WEINSTEIN, LLC**

Edward A. Wojciechowski, Esq., 020712007

Weinstein Professional Building

214 Highway 18 North, Suite 2A

East Brunswick, New Jersey 08816

Telephone: 732-246-0909

Attorneys for Plaintiff, Ashley H. Petersen

**FILED**

**NOV 13 2015**

Joseph Paone, J.S.C.

ASHLEY H. PETERSEN,

Plaintiff,

v.

CHARLES J. KRATOVIL,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION – FAMILY PART  
MIDDLESEX COUNTY

DOCKET NO.: FD-12-000046-15

CIVIL ACTION

**JUDGMENT FOR COUNSEL FEES AND  
ORDER FOR DISCOVERY**

**THIS MATTER** having been opened to the Court by way of Notice of Motion having been filed on behalf of the Plaintiff, Ashley H. Petersen, by and through her attorneys, Edward A. Wojciechowski, Esq., of the Law Offices of Edward R. Weinstein, LLC, appearing, and notice having been provided to the Defendant, Charles J. Kratovil, *pro se*, and the Court having considered the papers submitted and having heard the arguments of the parties, if any, and for good cause having been shown:

IT IS on this 13<sup>th</sup> day of November, 2015, **ORDERED** as follows: *for the reasons stated in the record.*

1. The Defendant is hereby adjudicated in violation of litigant's rights pursuant to Rule 1:10-3 for his failure to comply with Paragraphs 1 and 2 of the Court's Order dated May 7, 2015. *Defendant's motion to vacate the Court's order of May 7, 2015, is granted*

2. Judgment shall be entered in favor of the Plaintiff, Ashley H. Petersen, and against the Defendant, Charles J. Kratovil, in the sum of \$ 29,150.00, plus interest and costs.

3. *The Court finds that Defendant violated litigant's rights under paragraphs 4, 7 and 8 of the Sept. 30, 2014, Order imposing civil restraints, on Oct. 21, 2014, November 5, 2014, and November 19, 2014.*



So as to ensure Defendant's future compliance with these paragraphs, within thirty (30) days of receiving this Order, Defendant shall pay the Treasurer, State of New Jersey, \$250.00 per violation, for a total of \$750.00;

4. The Defendant, Charles J. Kratovil, is required to and shall appear and make discovery under oath, concerning the Defendant's property and things in actions before Edward A. Wojciechowski, Esq., at the ~~Weinstein Professional Building, 214 Highway 18 North, Suite 2A, East Brunswick, New Jersey 08816~~ <sup>Family Courthouse, Rm 301</sup>, on ~~Thursday, October 29, 2015~~ <sup>Wed. Dec 2</sup> at 11:00 a.m.

5. The Defendant, Charles J. Kratovil, shall bring with him the following documents and writings: (i) all deeds to real property in which the Defendant has an interest; (ii) records, statements and cancelled checks reflecting all bank accounts in which the Defendant has had an interest in for the past two (2) years; (iii) a schedule of all property/assets of the Defendant and their location, including, but not limited to: all goods, chattels, debts or loans due or to become due to the Defendant, accounts receivable, vehicles, machinery and equipment; (iv) copies of all of the Defendant's federal and state tax returns and appended schedules filed for the past two (2) years; (v) copy of any Certificate of Incorporations, Articles of Partnership or other documentation reflecting any business entity in which the Defendant has an interest; and (vi) the Defendant's cash receipt and disbursements ledger for any business he has an interest in.

6. The Defendant shall pay counsel fees and costs to the Law Office of Edward R. Weinstein, LLC, in the sum of \$                      which is hereby added to the Judgment amount in Paragraph 2 above.

7. All other Orders not modified herein shall remain in full force and effect.

7. A true copy of this Order <sup>was given to the</sup> shall be served upon the Defendant, Kelly Keppe, at <sup>parties and counsel.</sup> least            days before the return date hereof by certified and/or regular mail, by the attorneys for the Plaintiff.

  
Honorable Joseph Paone, J.S.C.

           Opposed

           Unopposed

Instagram

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charlie4change · Follow



6 likes Reply



teddybrookeshot 159w  
They only hate on you when you're a threat! Keep your foot on their necks !  
2 likes Reply



stonetosand 159w  
Well idk what they are talking about. What office are you running in now? I'm so late. Best of luck no matter what it is. Your transparency and efforts to involve and engage the community is extremely beneficial for everyone. Thanks.  
Like Reply



realitydinner 159w  
I witnessed a number of abuses and lies about Charlie. It pains me to see you still plagued with this bullshit. Sending good vibes. You are a true

220 21

April 23, 2023